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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|-------------|----------------------|---------------------|------------------|
| 10/618,844 | 07/14/2003 | Emanuel A. Hendriks | 7016S-000005 | 4335 |
| 27572 | 7590 | 05/31/2005 | EXAMINER | |
| HARNESS, DICKEY & PIERCE, P.L.C. | | | NGUYEN, JOHN QUOC | |
| P.O. BOX 828 | | | ART UNIT | |
| BLOOMFIELD HILLS, MI 48303 | | | PAPER NUMBER | |
| | | | 3654 | |

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,844

Applicant(s)

HENDRIKS ET AL.

Examiner

John Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,8,9 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 9, 13-16 is/are rejected.
- 7) ☒ Claim(s) 1-4,6,12 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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The drawings were received on 3/30/05. These drawings are approved.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

In claim 9, line 1, it appears that "9" should be --8--.

In claims 16 and 17, line 1, it appears that "13" should be --15--, and that "holdup" should be --holding--.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For clarity and/or definiteness, it appears that --sensed by the first sensor-- should be inserted after "conveyor" (claim 1, line 20), that --not engaging the sod-- should be inserted after "position" (claim 2, line 3), that a comma should be inserted after "conveyor" (claim 2, line 3)

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

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Claims 8, 9, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nunes, JR. (US 3429377).

Nunes, Jr. discloses an apparatus and method having substantially all the claimed features. Note trailing edge sensor 78, "retaining device" including assembly 88, and ejector device which reads on the mechanism which operates and includes element 125, "holding conveyor" 81 in "activated" position (fig. 7) and "deactivated" position (fig. 8). The controller reads on the mechanism that detects movement of the trailing edge sensor 78 and controls the apparatus to move from the position of Fig. 7 to the position of Fig. 8 which rotationally adjust the orientation of the roll. An inherent delay is present between the moment the edge detector detects the edge and the moment the roll is ejected, the delay dependent on the location of the edge detector relative to the roll. What is not explicitly disclosed is a user definable time delay; however, it is deemed inherent that the delay can be adjusted by changing the size, length, and shape of one or more mechanical linkages between the sensor 78 and the connecting rod 125, such as elements 94, 100, 105, 124, 126, etc., since the apparatus is substantially all mechanical like a mechanical time device. Therefore, It would have been obvious to a person having ordinary skill in the art to adjust the time delay by changing the elements as noted above to adjust the final position of the roll.

Claims 1-4 and 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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Claims 12 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not show or render obvious an apparatus as recited in claim 12 or a method as recited in claim 17.

Applicant's arguments filed 3/30/05 have been fully considered but they are not persuasive. Relative to claims 8 and 13, note the rejection above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

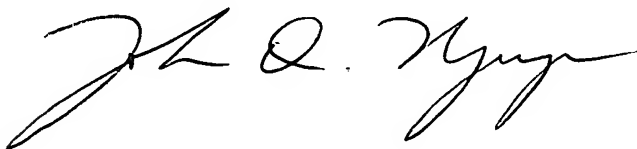
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and

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Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "John Q. Nguyen". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

John Q. Nguyen
Primary Examiner
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